

Form Series AR400 collects information about applicable requirements. Please review the discussion of applicable requirements in the *Application Guidebook* before proceeding. As discussed in the *Application Guidebook*, the owner/operator of a major source must identify in the Permit application *all* applicable requirements to which the source is subject. The forms in this series are structured to capture that information. The forms are as follows.

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AR401 – APPLICABLE REQUIREMENTS CHECKLIST

Complete this form *once* for the facility.

This form lists all regulatory requirements for air pollutant sources. The owner/operator must indicate on this form whether or not each rule applies to the source. If a rule does not apply, the owner/operator is required to indicate *why*. The form provides coded "reasons" for non-applicability. If the owner/operator indicates that an applicable requirement *does* apply, then the source's compliance with that requirement will need to be addressed elsewhere in the application. If the requirement applies at the level of the facility overall, then compliance with the requirement is addressed on Form AR403, Facility-Wide Applicable Requirements. If the requirement applies at the level of the Emissions Unit, then compliance with the requirement must be addressed in Form Series EU500.

Background

All Oregon air quality rules that could apply to a facility are listed on Form AR401. Under Title V of the Clean Air Act Amendments of 1990, the owner/operator of a facility subject to the Oregon Title V Operating Permit program is required to identify in his/her Permit application *all* regulatory requirements that apply to the facility--all "applicable requirements." This form helps the owner/operator to do so.

State Enforceability versus Federal Enforceability

The level of government (i.e., state or federal) at which an air quality rule may be enforced may vary: some rules are enforceable only at the state level (state enforceable rules); others are enforceable at the federal level (federally enforceable rules). Each owner/operator is required to comply with both federally and state enforceable rules that are applicable to his/her facility.

State enforceable rules

All rules that have been adopted by the Environmental Quality Commission (EQC) are state enforceable. The owner/operator may refer to the current version of the Oregon Administrative Rules, Chapter 340, to reference the rule language that is state enforceable.

Federally enforceable rules

An applicable requirement may be federally enforceable if:

- 1) the rule has been approved by the EPA as a part of the Oregon State Implementation Plan (SIP), or
- 2) the rule incorporates by reference an existing federal rule.

Recently, the state rules were renumbered but the renumbering has not been approved by EPA as part of the SIP. Therefore, Form AR401S is provided as a cross reference between the current state rule number and the federally enforceable rule number. AR401S also provides the following information about differences between the current state rule and the federally enforceable version of the rule.

Federally enforceable version reference date: This date is the most recent version of the rule approved by the U.S. Environmental Protection Agency (EPA). The owner/operator may use this date to check the rule language of a federally enforceable rule in the Oregon Bulletin. This date will differ from the state enforceable version reference date in those instances in which EPA has not yet approved the state enforceable version of the rule.

- *Pending:* This notation on the form indicates that the federally enforceable version reference date is *pending*. This occurs when a new state enforceable rule is awaiting EPA approval as part of the Oregon SIP. The owner/operator need not be concerned with federal enforceability *until* EPA approves the SIP.
- *State only:* This notation on the form indicates that the rule is not federally enforceable. This occurs when the rule is not part of the Oregon SIP approved by EPA. The owner/operator need not be concerned with federal enforceability of this rule.
- *Current 40 CFR:* This notation on the form references the Code of Federal Regulations (CFR) when a state rule incorporates by reference a federal rule. The specific citation is contained within the rule language in the OAR.

Substantive Differences: In most cases, EPA has not yet approved as part of the Oregon SIP the most recent version of the rules. Thus, there may be *substantive differences* between current state rules and older versions that are still federally enforceable. The Department has compared the currently adopted, state enforceable versions of the rules with the federally enforceable older versions to identify any substantive differences. The column *Substantive Difference* in Form AR401S describes any substantive differences that the Department has found. In cases of a substantive difference, the form describes how the state enforceable version differs from the federally enforceable version. For example, the language *Adds section (3)* in Form AR401S means that the state enforceable version adds section (3) to the federally enforceable version.

- *None:* This notation indicates that there is no substantive difference between the state enforceable and federally enforceable versions of the rules. If a rule incorporates by reference a federal rule, then there is no substantive difference.
- *See referenced rule language:* In a few cases, the differences between the state enforceable and federally enforceable versions of the rule are so substantial that the Department was not able to include a sufficiently comprehensive explanation on the form. In these instances, the owner/operator must compare the rule language of these rules independently, obtaining the federally enforceable rule language either from the Secretary of State or the Department.
- *N/A:* If a new rule is awaiting EPA approval or is a state-only rule, the owner/operator need not be concerned with a substantive difference. In these cases, *N/A* means not applicable.

Instructions

For each rule that applies to the facility, the owner/operator should enter an "X" in the **YES** column.

If a rule does not apply, enter an "X" in the **NO** column. Then, in the space next to the **NO** column, enter the **Reason** that the rule does not apply. The Department has identified a list of common "reasons" that a rule may not apply to a source, as follows. To indicate one of these reasons, the owner/operator should write the letter abbreviation for the appropriate reason in the **REASON** space on the form. The owner/operator should note that reason **k** is a generic flag that he/she may use if none of the other specific reasons adequately explains the non-applicability of the rule. If the owner/operator selects **k**, he/she must explain the reason for the rule's non-applicability on Form AR402, Non-Applicable Requirements.

Letter Reason

- a This pollutant is not emitted by the facility.
- b The facility is not in this source category.
- c The facility is not in a special control or nonattainment area.
- d The facility is not in this county.
- e The facility does not have this emissions unit.
- f The facility does not use this fuel type.
- g This rule does not apply because no changes have been made at the facility that would trigger these procedural requirements.
- h This method/procedure is not used by the facility.
- i This rule applies only to the Department and regional authorities.
- j These rules applied in the past and the fees have been paid.
- k Other (explain on Form AR402, Non-Applicable Requirements).

If an entire group of rules does not apply to the facility, the owner/operator should mark the **NO** column next to the heading for that group of rules and enter the appropriate letter in the **REASON** column. The owner/operator then can skip to the next section of rules in Form AR401.

Example: Division 230 sets forth "Incinerator Regulations." There are no incinerators at Facility X. Thus, this entire division of the OAR does *not* apply to Facility X. The owner/operator of Facility X will mark the **NO** column next to "All Rules in Division 230". As the reason for non-applicability, the owner/operator will enter the letter **e**, "the facility does not have this emissions unit." He/she then will skip to Division 232.

*Rules marked by a diamond (◆) contain a standard or limit (enforceable condition) that pertains to discrete devices and/or processes within industrial facilities. If the owner/operator marks **YES** for a rule flagged by a diamond, then he/she must address the rule on the appropriate form from Series EU500, Emissions Unit Summary, for the emissions unit within which the device/process to which the rule applies has been grouped.¹*

Example: OAR 340-226-0210 addresses fuel burning equipment limitations. Facility Z has a fuel burning device. On the Form EU501 for the emissions unit in which the owner/operator has placed that fuel burning device, he/she must address this rule. The owner/operator will indicate whether the fuel burning device is currently in compliance with this rule. If it is not, he/she will attach a compliance schedule. He/she will also identify the method to be used in the future to monitor compliance with this rule.

*Rules marked by a square (■) contain a standard or limit (enforceable condition) that pertains to the facility as a whole, rather than to discrete devices/processes within the source. If the owner/operator marks **YES** for a rule flagged by a square, then he/she must address the rule on Form AR403, Facility-Wide Applicable Requirements.*

Example: OAR 340-208-0300 addresses nuisances that may be caused by any activity at facilities in Oregon. Thus, this requirement applies to the entire facility. The owner/operator must address this requirement on Form AR403.

*Rules marked by **both** a diamond (◆) and a square (■) indicate that the requirement in question applies to *both* individual emissions units at the facility and to the facility as a whole. If the owner/operator marks **YES** for such a rule, then he/she must address the rule on *both* the appropriate Emissions Unit [or Early Reductions Unit] Summary Form and on AR403, Facility-Wide Applicable Requirements.*

¹ If the owner/operator is defining an Early Reductions Unit (ERU) in this Permit application (Forms AP104 and AP105), and the applicable requirement in question applies to that ERU, then he/she should address the applicable requirement on Part B of Form AP104, Early Reductions Unit Summary.

Example: OAR 340-222-0041 ♦ ■ discusses the criteria for establishing PSELS. The owner/operator has defined 10 emissions units at his/her plant. Different compliance demonstration methods (e.g., stack testing, recordkeeping, and continuous monitoring) are used to demonstrate compliance with short-term PSELS for the units. For the annual PSEL, however, the owner/operator wants to establish a facility-wide PSEL, rather than individual annual PSELS for the emissions units. The owner/operator will base this facility-wide PSEL on the annual production levels. The owner/operator thus will monitor compliance with this facility-wide annual PSEL through recordkeeping of overall production levels. He/she will request that the Department not establish any annual PSELS for the individual emissions units.

AR402 – NON-APPLICABLE REQUIREMENTS

Complete this form *once* for the entire facility. This form collects information about the non-applicable requirements for which the owner/operator indicated reason k on Form AR401, Applicable Requirements Checklist. In selecting reason k, the owner/operator indicated that the rule was non-applicable for a reason other than those specifically listed on Form AR401. On this form, the owner/operator will explain the other reason. Enter the rule number(s) from Form AR401 for which reason k was selected. Next to each rule number, explain why the rule does not apply to the facility and/or to the emissions unit(s).

AR403 – FACILITY-WIDE REQUIREMENTS

Complete this form *once* for the entire facility. This form collects information on "facility-wide" applicable requirements. Form AR401 identifies which requirements, if determined to be applicable, need to be addressed at the level of the facility as a whole. If the owner/operator has determined such requirements to be applicable, then he/she must address the facility's compliance with those requirements on this form.

Background

The information for completing this form comes from Form AR401 and the existing Air Contaminant Discharge Permit (ACDP), as described below:

- In completing Form AR401, Applicable Requirements Checklist, the owner/operator noticed that certain of the requirements on that form were marked with a square (■) to indicate that those requirements apply to the facility as a whole, not just to specific emissions units within the facility. If the owner/operator checked YES for any applicable requirement marked ■, then he/she must address that requirement on this form.
- The facility's existing ACDP may contain specific facility-wide conditions (e.g., total opacity for the entire facility). These conditions should also be identified on this form, even if they are similar to or even more stringent than the applicable requirement in the rule.

By identifying all relevant applicable requirements and ACDP conditions, the owner/operator may obtain the permit shield. [As explained in the *Application Guidebook*, the owner/operator may request a change or discontinuation of an ACDP condition through this application. To do so, he/she should complete Form AR404, ACDP Condition Change Request. Until such time as the Department does approve the request to change an ACDP condition, however, the owner/operator must continue to address the condition in this Permit application.]

As the owner/operator completes this form, he/she should note that compliance with facility-wide applicable requirements is usually demonstrated by **recordkeeping**.

Instructions

In the table, enter the following information:

- In the first column, enter the applicable requirements. If an applicable requirement is a rule, enter the complete citation (e.g., 234-0510(2)(a)). If an applicable requirement is an ACDP condition, enter "ACDP-XX," where XX is the existing permit condition number.
- Enter the parameter, pollutant, or work practice to which the rule or ACDP condition applies (e.g., for the rule cited above, particulate matter).
- Enter the limit or standard established by the applicable requirement (e.g., for the rule cited above, "1 lb/1,000 ft², 3/8" basis").
- Write "in" if the source currently is in compliance with the limit/standard. Write "out" if the source currently is out of compliance with the limit/standard. If the answer is "out," the owner/operator **must** attach a compliance schedule for the emissions unit (see the example compliance schedule provided in the Series EU500 Instructions).
- Identify the monitoring information that is the basis for the compliance determination. (See the Series EU500 Instructions for a list of Compliance Monitoring Methods)
- Identify the monitoring that will be used for future compliance determinations. (See the Series EU500 Instructions for a list of Compliance Monitoring Methods and complete the appropriate CP700 form)

AR404 – ACDP CONDITION CHANGE REQUEST

The owner/operator should complete this form *once* for the facility if he/she wishes to change any conditions in the facility's current Air Contaminant Discharge Permit (ACDP). In some cases, an owner/operator may wish to discontinue or change a condition under the existing Air Contaminant Discharge Permit. Form AR404 provides the owner/operator an opportunity to request that change.

Background

Conditions in the facility's existing ACDP will automatically become conditions in the Oregon Title V Operating Permit (Permit) *unless* the owner/operator specifically requests that they be changed or removed. Through this Permit application process, the owner/operator may petition the Department change or remove the conditions by completing this Form AR404 as described below. The owner/operator should note that, if the ACDP condition has been imposed as a result of a New Source Review/Prevention of Significant Deterioration permit, then the condition may **not** be changed. Examples of such conditions are identified below.

Example: For an electric arc furnace, 0.0052 grains/dscf, with a baghouse using Gore-tex bags.

Example: For a hogged fuel boiler, 0.04 grains/dscf and 10 percent opacity.

Example: For a lime kiln, 270 ppm NO_x corrected to 10 percent oxygen.

Example: For a combustion turbine:

PM: 9 lbs/hr as a result of PSD modeling;

NO_x: 4.5 ppm BACT corrected to 15 percent oxygen at ISO conditions; and 30 lbs/hr on a 24-hour average as a result of PSD modeling; and

CO: 15 ppm BACT corrected to 15 percent oxygen at ISO conditions; and 49 lbs/hr on an 8-hour average as a result of PSD modeling.

Instructions

In the table, provide the following information for *each* ACDP condition that the owner/operator wishes to have changed or removed. If the owner/operator is seeking to *change* a condition, complete all four columns. If he/she is seeking to *remove* a condition, complete all but the last column.

- Enter the number of the ACDP condition (e.g., ACDP-XX, where XX is the existing permit condition number).
- Indicate (change or remove) what is proposed for the condition.
- Provide the reason for seeking the action identified.

Example 1: (*change*) The current "highest and best practicable treatment and control" condition in the ACDP is too general and vague for the owner/operator to be able to demonstrate compliance. The owner/operator wants more specific standards by which to measure compliance.

Example 2: (*change*) The owner/operator wants to increase production. He/she needs to increase the PSEL for particulate matter.

Example 3: (*remove*) The current ACDP includes conditions addressing the painting operation at the facility. The owner/operator has shut down the operation. Thus, he/she does not want the Permit to contain conditions pertaining to a non-existent operation.

- If the owner/operator is seeking to change the condition, he/she should explain what he/she believes the new Permit condition should be.

Example 1: To comply with highest and best, the owner/operator requests the following operation and maintenance conditions to control emissions from the emissions units in question.

Example 2: The owner/operator requests a particulate PSEL of 35 tons per year. He/she will illustrate how this new, increased PSEL will be used by completing Forms EU501 and ED605 to reflect operations and emissions at this level.